

OLL 84-2509/5

14 September 1984

MEMORANDUM FOR: Intelligence Community Legislation
Representatives

FROM:

Chief, Legislation Division
Office of Legislative Liaison

SUBJECT: Legislative Program for the First Session of
the 99th Congress

1. Attached is a compilation of legislative initiatives which we would propose submitting to the Office of Management and Budget (OMB) as the Intelligence Community's legislative program for the first session of the 99th Congress. Five new proposals, numbered 99-1/13-17, have been added to the program since its previous circulation and should be carefully reviewed.

2. In reviewing the attached proposals, it should be emphasized that the inclusion of a proposal in the legislative program does not constitute a commitment or otherwise require the Agency to actively seek its enactment. At this stage in the process, we are simply submitting proposals to OMB for Administration clearance so that we may either seek their enactment during the annual authorization process, pursue these initiatives as separate free standing legislation, or decide not to take any action whatsoever with respect to these various proposals.

3. Given the short timeframe in which we have to respond to OMB, I would appreciate receiving any comments you may have by next Wednesday, 19 September 1984. The program will be submitted on this date to the DCI for consideration and further transmittal to OMB. Any comments which are received after Wednesday, risk the possibility of not being considered prior to the submission of the program to OMB for review.

Attachment

Distribution:

1 - IC Staff
2 - NSC Staff (deGraffenreid/Thompson)
1 - State (Levitt)
1 - DOD (Hiess)
2 - DIA
1 - NSA
1 - DOJ (Perkins)
1 - FBI (Moran)
1 - D/OLL
1 - DD/OLL
1 - OLL Chrono
1 - LEG Subject (Leg Program, 99th Congress)
1 - SWH Signer
OLL:LEG:SWH:sm (13 September 1984)

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CENTRAL INTELLIGENCE AGENCY
AND
INTELLIGENCE COMMUNITY
PROPOSED LEGISLATIVE PROGRAM FOR THE FIRST SESSION
OF THE 99th CONGRESS

PART I -- PRESIDENT'S PROGRAM PROPOSALS

99/1 - 1: Freedom of Information Legislation

Relief for the Central Intelligence Agency from the Freedom of Information Act is necessary to end the wasteful and debilitating diversion of intelligence resources and critically needed skills into FOIA matters, to eliminate the danger of court-ordered release of properly classified information, and to maintain the confidence of human sources and foreign intelligence services in the Agency's ability to protect intelligence information provided to it. Prompt consideration and passage by the 99th Congress of legislation to provide effective relief from the resource, operational, and security problems currently besetting the Central Intelligence Agency under the Freedom of Information Act is urgently required. This proposal may become law in the current session of the 98th Congress, but will be pursued in the first session of the 99th Congress if it does not.

PART II -- OTHER PROPOSALS

99/1 - 2: Fiscal Year 1986 Intelligence Authorization Act

The Director of Central Intelligence will submit to the Office of Management and Budget a proposed Fiscal Year 1986 Intelligence Authorization Act for transmittal to the Congress.

99/1 - 3: Intelligence Personnel Protection

The proposal to provide federal criminal penalties for acts of violence against officers or employees of the Intelligence Community was passed by both Houses in the 97th Congress as part of a bill which the President declined to approve, and again was

passed by the Senate in the 98th Congress. The President has stated his support for enactment of this proposal and the Director of Central Intelligence will continue to pursue it in the first session of the 99th Congress.

99/1 - 4: Overcoming Impediments to Naturalization of Certain Persons Contributing to the National Intelligence Mission

This proposal is designed to amend the Immigration and Nationality Act to authorize the waiver of general residency, physical presence and several other technical requirements which currently impede the naturalization of certain persons who have made a substantial contribution to the national intelligence mission.

99/1 - 5: Enhanced Personnel Management Authorities for the Defense Intelligence Agency

The Director of Central Intelligence will support legislation to afford the Defense Intelligence Agency increased flexibility in the management of its personnel system. This proposal may become law as part of the Fiscal Year 1985 Intelligence Authorization Act, but will be pursued in the first session of the 99th Congress if it does not.

99/1 - 6: Classified Information Procedures Act Amendments

The Director of Central Intelligence may propose amendments to the Classified Information Procedures Act to ensure that classified information is protected from all possibility of disclosure after indictment in any criminal case.

99/1 - 7: Domestic Relocation Allowances

Pending further study of the effects of statutory amendments relating to domestic relocation of federal employees contained in Public law 98-151, the Director of Central Intelligence may propose legislation to relieve any further inequities still being experienced by Intelligence Community personnel in connection with the allowances payable as a result of permanent changes of station within the United States.

99/1 - 8: Legislation to Ameliorate the Adverse Impact of Federal Retirement System Changes on the Central Intelligence Agency's Ability to Recruit and Maintain the Quality Work Force Essential to the Effective Performance of the National Intelligence Mission

The Director of Central Intelligence may propose, either in connection with the supplemental retirement system for new federal employees to be considered by the Congress in 1985, or as an amendment to the Central Intelligence Agency Retirement and Disability System, legislation to deal with the impact of social security coverage and federal retirement system changes, particularly with respect to the adverse effect that indiscriminate increases in retirement ages would have on intelligence operations.

99/1 - 9: Avoidance of Penalty for Mandatory Retirement Prior to Age 62

Pending further review of the effects of recent legislation restoring full COLAs in January of 1986, the Director of Central Intelligence may propose legislation to amend the Omnibus Reconciliation Act of 1982 to exclude individuals who retire prior to age 62 under the mandatory retirement provisions of the Central Intelligence Agency Retirement and Disability System from the COLA penalty provisions provided by the Omnibus Reconciliation Act for early retirees.

99/1 - 10: Protection of Intelligence Information

There may be a need for legislation which clearly provides criminal penalties for willful unauthorized disclosures of classified information by federal employees and others having authorized access to classified information.

99/1 - 11: Signals Intelligence Protection Act

The Director of Central Intelligence may support legislation to amend the National Security Act of 1947 to better protect sensitive signals intelligence by providing the United States with certain civil remedies in cases involving the intentional unauthorized disclosure of such

information by individuals in circumstances where the individual reasonably should know that this disclosure is likely to impair the signals intelligence capability or activities of the United States.

99/1 - 12: Compensation of Director and Deputy Director of Central Intelligence

The Director of Central Intelligence will submit legislation to amend title 5, United States Code, to place the positions of Director of Central Intelligence and Deputy Director of Central Intelligence at Executive Schedule Levels I and II, respectively. This proposal may become law as part of the Fiscal Year 1985 Intelligence Authorization Act, but will be pursued in the first session of the 99th Congress if it does not.

99/1 - 13: Department of Defense Proprieties

The Director of Central Intelligence may support legislation which would grant DOD authority to establish and operate corporations or other business entities in support of authorized and appropriately coordinated intelligence activities.

99/1 - 14: Security Personnel at CIA Installations

The Director of Central Intelligence will submit legislation which will authorize Agency personnel within the United States to perform the same functions as special policeman of the General Services Administration perform under 40 U.S.C. 318. This proposal may become law as part of the fiscal year 1985 Intelligence Authorization Act, but will be pursued in the first session of the 99th Congress if it does not.

99/1 - 15: Interlocutory Appeal Authority

The Director of Central Intelligence may submit a proposal to amend the United States Code to permit an interlocutory appeal by the United States from any decision of a United States court or a judge thereof on any evidentiary ruling or dispositive motion when the Director of Central Intelligence certifies that the decision being appealed would have an adverse impact on the national security.

99/1 - 16: Matters Committed to Agency Discretion

The Director of Central Intelligence may propose an amendment to the National Security Act to make it clear that all Agency personnel actions, including decisions on hiring, firing, and security approvals, shall be deemed committed to Agency discretion by law and thus within a current exemption of the Administrative Procedure Act.

99/1 - 17: Remedy for Actions Arising Out of Security Investigations

The Director of Central Intelligence may propose an amendment to the United States Code to provide that any cause of action a person may have for claims arising out of security investigations or determinations would be against the United States exclusively.